

Disembarkation of migrants rescued at sea - I.

Both in treaty law and in customary international law, it is an international legal obligation for States to render assistance to persons in distress at sea. Unless there is a serious danger to the ship or its crew, every flag State must require the master of a ship flying its flag to proceed with all possible speed to the rescue of persons in distress when informed of their need of assistance.

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On the other hand, coastal States shall promote the establishment, operation and maintenance of an adequate and effective search-and-rescue service, for example, through the creation of a Rescue Co-ordination Centre. For this purpose they will cooperate with neighbouring States, when appropriate.

«Although an assisting ship may only serve as a temporary place of safety, there is no actual duty for States to disembark the persons rescued»

Both the International Convention on Safety of Life at Sea (SOLAS Convention) and the International Convention on Maritime Search and Rescue (SAR Convention) stipulate that States must arrange for the disembarkation of persons rescued at sea as soon as reasonably practicable. The government in charge of the search-and-rescue region in which the survivors were recovered is held responsible for providing a "place of safety" on its own territory or ensuring that such a place of safety is granted in another country.

A place of safety can be defined as a location where rescue operations are considered to terminate, where the survivors' safety or life is no longer threatened, basic human needs (such as food, shelter and medical needs) can



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be met and transportation arrangements can be made for the survivors' next or final destination. Although

egalese SRR, Senegal requested Spain to proceed with a rescue operation, claiming that Senegal did not have the proper means to assist. Because the Mauritanian port of Nouadhibou was closest to the emergency, Senegal also informed Mauritania of the situation.

On 4 February, a Spanish maritime rescue tug reached the "Marine I" and provided immediate relief by handing out supplies of water and food. The Spanish government also commenced negotiations with Senegal and Mauritania on the fate of the migrants. On 12 February (two weeks after the distress call), Spain, Senegal and Mauritania finally

tion commenced the day after the migrants had disembarked. Guinea agreed to readmit thirty-five passengers, all of African origin.

RELUCTANT STATES

In total, Spain reported 18,000 irregular arrivals by sea from West Africa that year. The fact that Spain was prepared to pay as much as EUR 650,000 to prevent the disembarkation of 300 migrants shows that some States are very reluctant to allow disembarkation of rescued persons onto their territory.

The main reason for this reluctance is that almost all of these

THE CASE OF THE "MARINE I"

As a result, persons rescued at sea can spend weeks on a ship at sea before a State allows them to go ashore. The case of the "Marine I" provides an example. On 30 January 2007, the Spanish Coast Guard received a distress call from the vessel "Marine I". It was alleged that over 300 migrants from Guinea were on board. Although the "Marine I" was within the Sen-

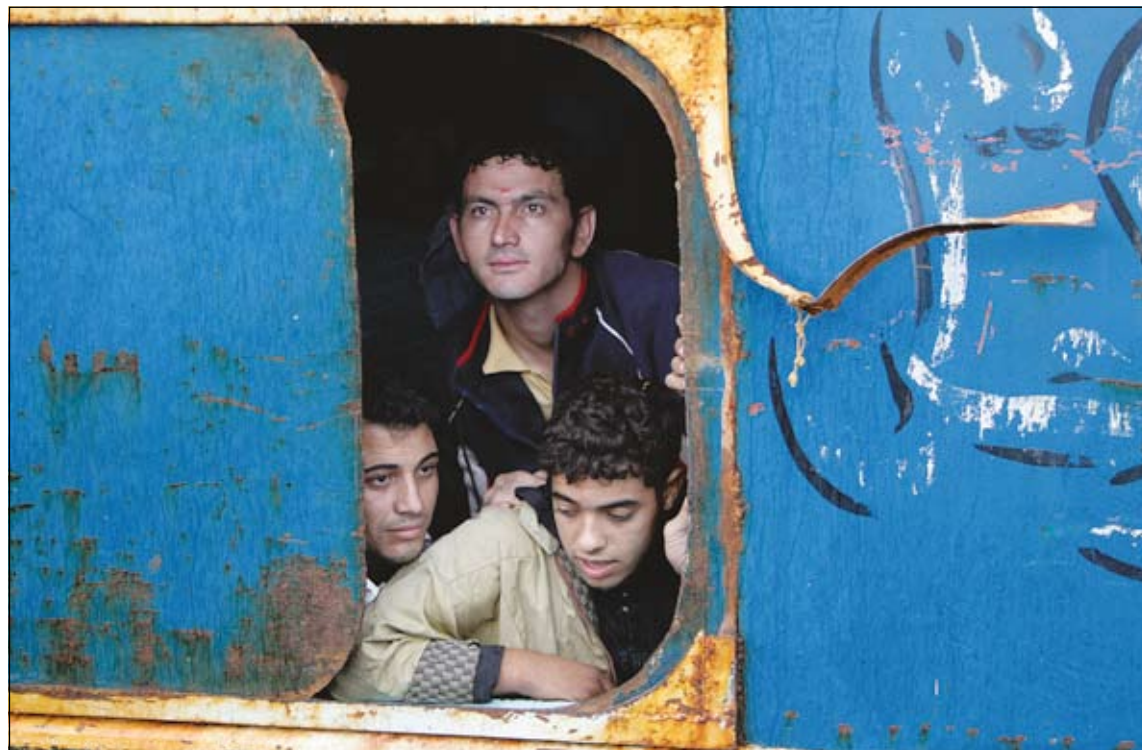
«States are reluctant to permit disembarkation unless they receive financial or readmission guarantees. Negotiations on these conditions can last for days or even weeks»

reached an agreement regarding the passengers. It was reportedly agreed that Spain would pay EUR 650,000, in return for Mauritania allowing the passengers to disembark. Repatria-

persons are migrants requesting asylum. According to the UN High Commission for Refugees (UNHCR), it is very difficult to know the exact percentage of asylum-seekers that arrive by sea, because official statistics in most countries do not state how an asylum-seeker arrived, i.e., by sea, land or air. On average, roughly 70% of those arriving by sea in Malta are asylum-seekers. In the case of Italy, one-third of those arriving on Lampedusa Island apply for asylum. This amounts to roughly 60% of all applications for asylum in Italy.

Moreover, this migration is often mixed. Not only political migrants or refugees try to reach a safe shore. Most of these people are economic migrants looking for a better life in a developed country. States are therefore reluctant to permit disembarkation unless they receive financial or readmission guarantees. Negotiations on these conditions can last for days or even weeks. Unfortunately this means that the migrants – often requiring medical care – do not receive this aid immediately.

(The second part of this article will be published in our edition of 31 December)



Migration has become a worldwide problem: a boat carrying suspected illegal immigrants heading for Australia.

Standard contract for sale and purchase of vessels under review

Following industry consultation over the summer, BIMCO and the Norwegian Shipbrokers' Association (NSA) have decided to revise the industry's standard international contract for the sale and purchase of vessels, Saleform 1993. While the general view of the industry was that the Saleform 1993 agreement works very well, it was acknowledged that some provisions are often subject to amendment. The objective of the revision will be to address these issues while maintaining the fundamental principles of Saleform.

Both BIMCO and the NSA have formed Sub-committees composed of international experts. The aim is to complete the revision by autumn 2011.

According to BIMCO deputy secretary general, Søren Larsen, "the two strong messages we received from our global consultation process was that we should preserve the general concept of Saleform but that a modest update was required".

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Long Beach to expand clean trucks program

The Long Beach Board of Harbor Commissioners have voted to expand the port's Clean Trucks Program to include smaller rigs, and to penalize trucking companies that switch cargo from "clean" to "dirty" trucks outside port terminals.

Under the Clean Trucks Program, Class 8 trucks are subject to strict emission standards. Class 7 trucks, which are typically not used in drayage, were not included in the scheme. However, since the program began, some trucking companies have begun using older Class 7 models to move lighter loads like empty containers. The Board therefore authorized port staff to draft revisions to the Clean Trucks Program that would ban older Class 7 trucks and to draft requirements similar to those in effect for Class 8 trucks.

The Board also authorized staff to find a way to penalize trucking companies that employ "dray-offs," or switch cargo from a "clean" truck to a polluting truck once the vehicle is outside a cargo terminal.

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Scania to deliver trucks for biofuel project in Liberia

Scania has received an order for 50 trucks, plus an option for another 100, from Buchanan Renewables Fuels in Liberia. The truck manufacturer will also be responsible for establishing a service workshop and training service technicians and drivers, and will thus create a platform for further sales in the Liberian market. The trucks will be used for transporting biofuel made from old non-productive rubber trees. The biofuel is exported but will also be used for domestic power generation. The first trucks will be delivered in December. The delivery will also include parts and establishment of a service workshop.

"Our ability to deliver trucks that are adapted to the tough conditions that prevail due to poor road quality, plus the fact that we are assuming responsibility for service and training of service technicians and drivers, has been a winning combination in this transaction," says Andreas Larendius, head of Scania forestry sales.

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